



Georgia Department of Human Services
Aging Services | Child Support Services | Family & Children Services

**RULES OF THE
GEORGIA DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 290-2-5
RULES AND REGULATIONS FOR CHILD CARING INSTITUTIONS**

SYNOPSIS OF PROPOSED ACTION

The Georgia Department of Human Services, Office of Inspector General, Residential Child Care Licensing Unit (“Department”), proposes the adoption of rule amendments to Chapter 290-2-5, entitled “Rules and Regulations for Child Caring Institutions,” of the Rules of the Georgia Department of Human Services. Proposed amendments affect rules 290-2-5-.02, 290-2-5-.03, 290-2-5-.05, 290-2-5-.06, 290-2-5-.07, 290-2-5-.08, 290-2-5-.12, 290-2-5-.13, 290-2-5-.14, 290-2-5-.17, 290-2-5-.20, 290-2-5-.21, 290-2-5-.22, 290-2-5-.23, 290-2-5-.24 of the current child caring institution rules set forth in Chapter 290-2-5. The proposed revisions were drafted by the Department with the goal of eliminating or revising rules in efforts to streamline regulations, to update terms and provisions, to reorganize rule provisions for clarity, to make certain regulatory requirements less burdensome for providers where safe to do so, and to comply with the regulatory reduction effort requested by Governor Kemp in his Executive Memo signed September 25, 2019 as a step toward streamlining state government.

It is not anticipated that the adoption of these rule amendments will impose excessive regulatory costs on persons or entities providing services under these rules. It is not foreseeable that any cost to comply

with the proposed rule amendments can be reduced by a less expensive alternative that fully accomplishes the duties required of the Department.

MAIN FEATURES OF AMENDMENTS TO THE RULES: The amendments to the Rules and Regulations for Child Caring Institutions, Chapter 290-2-5, include the following:

- Rule 290-2-5-.02 (Title and Purpose) has been amended to delete language that states the establishment of foster care requirements is a purpose of these rules.
- Rule 290-2-5-.03 (Definitions) has been amended to add the definitions ‘child-placing agency,’ ‘variance,’ and ‘waiver,’ and to delete the term ‘placement.’ Definitions have been updated to exclude language or terms that reference placement of children in private foster homes in this rule set. In addition, outdated terms have been updated and rules reordered to correspond with any revisions.
- Rule 290-2-5-.05 (Criminal History Background Checks for Owners/Directors/Employees) has been amended to include updates to provisions referencing the Georgia Code as related to covered crimes. In addition, rules referencing criminal history background check provisions for foster parents and placement of children in private foster homes have been deleted.
- Rule 290-2-5-.05 (Licenses) has been amended to include a new rule that requires institutions with a valid child caring institution license issued prior to December 31, 2019, that includes authorization to place children in private foster homes where foster parents live, to obtain a child-placing agency license by June 30, 2021 in order to continue to place children in foster care in private foster homes.
- Rule 290-2-5-.05 (Exemptions) has been amended to include a new rule for clarity that exempts from licensure facilities or programs both

- owned and operated by any department or agency of federal, state, county or municipal government. The rule further clarifies that facilities or programs are not exempt from licensure if their premises are leased, rather than owned, by local, state or federal entities or if the government entity assumes or exercises no authority nor control over daily program services, functions or operations. In addition, statutory authority has been updated.
- Rule 290-2-5-.06 (Applications) has been amended to delete references to foster parents as related to records check and preliminary records check applications. In addition, statutory authority has been updated.
 - Rule 290-2-5-.07 (Inspections and Investigations) has been amended to delete the term “on-site” when referencing inspections conducted by the Department. Inspections may be conducted on-site or offsite. The term ‘entry’ has been replaced with the term ‘access’ to clarify that applicants and licensees consent to access by the Department of facility premises, staff, children and records. In addition, language has been deleted that specifies the hours that an inspection of certain records will be conducted. Duplicative language regarding the Department’s authority to access records has also been removed. The Rule has been updated to reference child abuse, neglect, or sexual exploitation as defined in O.C.G.A. § 15-11-2 in identifying instances when the Department may conduct inspections. Statutory authority has also been updated.
 - Rule 290-2-5-.08 (Administration and Organization) has been amended to clarify and update minimum qualification requirements for directors and employees as related to findings of abuse, neglect, or sexual exploitation of children and adults. In addition, the Rule has been amended to delete references to foster parents and foster parent

- provisions, including specific provisions related to the child abuse and neglect registry. The Rule that requires direct care staff to have at least one weekend off each month has been updated to instead require two consecutive days off a month. Also, the Rule has been amended to clarify that pandemic and infectious disease outbreaks are serious occurrences required to be reported to the Department. Outdated terms have also been updated.
- Rule 290-2-5-.12 (Child Care Services) has been amended to add nurse practitioners to the list of medical professionals who may conduct a child's physical exam. The Rule has been amended to require a CBC and urinalysis only in those circumstances when recommended by a physician. The Rule updates rule and regulation references related to required immunizations. In addition, the Rule adds clarifying language to ensure that children receive timely medical care when injured as well as when ill. The Rule also updates language for clarity regarding maintenance of medication records.
 - Rule 290-2-5-.13 (Foster Home Care) has been stricken in its entirety. The elimination of the foster care section in the child caring institution rule set is based on a determination that all provisions related to the placement of children in private foster homes are more appropriately included in the child-placing agency rule set (Rules and Regulations for Child-Placing Agencies, Chapter 290-9-2). The elimination of the foster care section from this rule set would not prohibit child caring institutions from conducting foster care services, but rather would only require child caring institutions to obtain a child-placing agency license to conduct those foster care services.
 - Rule 290-2-5-.14 (Behavior Management and Emergency Safety Interventions) has been updated for consistency to exclude the phrase "beyond first aid" in referencing the type of injuries requiring medical

- treatment that must be reported due to behavior management and emergency safety intervention. The Rule has been amended to clarify that institutions must not only have but also comply with written policies and procedures regarding emergency safety interventions. In addition, a nurse practitioner is added to the list of medical professionals who may provide a medical assessment and statement regarding the use of emergency safety interventions on a child.
- Rule 290-2-5-.17 (Food Service) has been amended to clarify that institutions caring for 13 or more children must remain in compliance with established food service requirements. Statutory authority has also been updated.
 - Rule 290-2-5-.20 (Emergency Orders) has been amended to include appropriate pronouns. Statutory authority has also been updated.
 - Rule 290-2-5-.21 (Disaster Preparedness) has been amended to clarify provisions related to developing and complying with disaster plans. The Rule has been amended to include additional requirements for disaster preparedness plans in order to limit and contain health hazards due to pandemics or infectious disease outbreaks. In addition, the Rule has been revised to include an update to statutory authority.
 - Rule 290-2-5-.22 (Waivers and Variances) has been amended to clarify instances where variances or waivers may be granted. In addition, the Rule identifies items to be included in an application for a variance or waiver. The Rule provides that institutions must implement and comply with terms and conditions of waivers or variances. In addition, the Rule provides that waivers or variances will not be granted if harmful to public health, safety or welfare or contrary to state law provisions. Statutory authority has also been updated.
 - Rule 290-2-5-.23 (Severability) and Rule 290-2-5-.24 (Repealed) have been revised to include an update to statutory authority.